

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Cable TV and Low Voltage Communication Wiring**

**Adopted Amendments: N.J.A.C. 5:23-2.7 and 2.17A**

Proposed: May 3, 2004 at 36 NJR 2122(a)

Adopted: \_\_\_\_\_, 2004 by Suisan Bass Levin, Commissioner,  
Department of Community Affairs

Filed: \_\_\_\_\_, 2004 as R. 2004, d. **without change.**

Authority: N.J.S.A. 52:27D-124

Effective Date: \_\_\_\_\_, 2004

Expiration Date:

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**SUSAN BASS LEVIN**  
**COMMISSIONER**

## Summary of Public Comments and Agency Responses

Comments were received from Patrick J. O'Keefe, New Jersey Builders Association; Karen D. Alexander, New Jersey Telecommunications Association; Paul N. Vitale, Electrical Subcode Official; Edward R. Reed, Jr., Electrical Inspector, Township of Manalapan; Ed Cavanaugh; Marc Fleming; Michael Huntsinger; Tom Hummel; Steve Mangen; Spencer Chait; Alexander J. Barbadoro; Shawtomie Burton; Curtis L. Mitchell; William Hewitt; Dennis P. Urick; Brian J. Leese; Thomas E. Wisnewshi III; Kevin Kane; Joseph Julian; Anthony Rossi; Robert J. Urban; Rasaan Bell; Mike Kubler; John M. Peahota; Dan Driscoll; Carolyn Cross; Dave Landsdowne; Michael DiSalvatore; Mike Mohan; Hameed McCoy; Don Falso; Shane Mellwig; Frank Narducci; Jason Smiley; Ken Meister; Michael Meenan; John Hierholzer; Yvonne Lewis; Patricia E. Johnson; Jonathan Barbato; Alex Xibos; Jack Konrad; Robert Koozelman III; Brian Harrison; John Higgins; Michael Nicodemo; and five anonymous commenters.

1. COMMENT: Many of the electrical contractors and licensed electricians commented that low voltage communication wiring should be required to be installed by licensed electricians or electrical contractors. They believe that there is a hazard associated with any electrical wiring and attest that building occupants are safer if trained and licensed professionals do the installation.

RESPONSE: This rule changes permit requirements, but does not impact the licensing requirements for installers, electricians, or electrical contractors, which are beyond the jurisdiction of this Department.

2. COMMENT: Several commenters stated that a construction permit should be required for the installation of low voltage wiring in all buildings. Several commenters added that code compliance is unlikely without a permit. Several commenters expressed concern about decreasing the current level of fire safety.

RESPONSE: The decision about when a construction permit is required is based on the level of hazard inherent in the work. The permit requirement does not affect whether code compliance is required. Compliance with the Uniform Construction Code (UCC) is always required. The wiring must comply with the provisions of the electrical subcode, the National Electrical Code/2002.

The underlying question, which is answered in this rule, is whether the work undertaken has sufficient inherent risk that it must be inspected. This rule amendment changes the long-standing code provision that a permit is required for all installations of low voltage communication wiring and cable television. The commenters are correct in pointing out that when communications systems are installed in buildings with firewalls or other fire-resistance-rated construction, there is a risk of compromising fire safety. Consequently, this rule takes a sensible approach by requiring a construction permit for the installation of low voltage wiring or cable television systems in buildings where the installation may compromise the effectiveness of fire-resistance-rated assemblies. The Class 3 buildings that are exempted from the permit requirement are small buildings, such as single-family homes and small businesses where the installation does not involve the penetration of fire-resistance-rated assemblies. In this rule adoption, the Department is clarifying the provisions for minor work to ensure that all code users understand that buildings of any classification, whether Class 1, 2, or 3, that have fire-resistance-rated

assemblies are designated minor work, whereas those without fire-resistance-rated assemblies are designated ordinary maintenance.

3. COMMENT: One commenter stated that there is no evidence of wide-spread non-compliance with the requirements of the Uniform Construction Code (UCC) regarding the installation of cable television wiring through fire-resistance-rated assemblies. This commenter recommended that the Department eliminate the requirement for permits for the installation of cable television wiring in all buildings.

RESPONSE: This issue was brought to the Department's attention by local code officials who found examples of fire-resistance-rated assemblies that had been breached during the installation of cable television wiring. Photographs were provided to Department staff that showed some egregious breaches, including man-sized holes in the firewalls. The Department subsequently shared these photographs with representatives of the cable industry and the Board of Public Utilities and held several discussions in which the problems were described and solutions were sought.

From the beginning, it has been clear that the Uniform Construction Code requires permits for this kind of work--and it was equally clear, as was stated in the summary statement to this rule amendment (36 *NJR* 2122), that there was inconsistent enforcement of the permit requirements. In the lengthy discussions about whether to continue to require permits for the installation of low voltage communication and cable television wiring and to provide direction to code officials regarding this requirement, it became apparent that the primary safety issue was work that compromised the integrity of the fire-resistance-rated assembly.

This rule amendment changes the long-standing code provision requiring a construction permit for all installations of low voltage communication wiring and cable television systems. This rule amendment makes it clear that owners of single-family homes or of small buildings where the installation does not involve the penetration of fire-resistance-rated assemblies may install, or contract for the installation of, low voltage communications devices or cable television wiring without obtaining a construction permit and without compromising the safety of their home or building. Owners of, or residents in, buildings where the installation may involve the penetration of fire-resistance-rated assemblies will continue to benefit from the permit requirement and its required inspections because the code officials will make sure that the installation has not compromised the fire safety features of the building.

4. COMMENT: One commenter expressed the belief that education and outreach to the cable television installers could be more effective than changing permit requirements.

RESPONSE: The Department believes that educating code users is always beneficial. This issue, however, is an enforcement issue. Therefore, clear and reasonable permit requirements are likely to be the most effective method of obtaining uniformity and predictability for all code users. A brief explanation could prove helpful. The construction permit is the threshold for the applicable level of enforcement and is not the threshold for code compliance. Work designated as "ordinary maintenance" is required to comply with the Uniform Construction Code; no permits or inspections are required. The installation of low voltage communication and cable television wiring in buildings without fire-resistance-rated assemblies (most Class 3 buildings) is designated in the Uniform Construction Code as ordinary maintenance. Work designated as "minor work" is required to comply with the Uniform Construction Code; minor work requires a permit

and inspections, but the work may be started before the permit is obtained. The installation of low voltage communications and cable television wiring in buildings where the penetration of fire-resistance-rated assemblies (Class 1, Class 2, and some Class 3 buildings) is involved is designated as minor work. Work that is designated neither as ordinary maintenance nor as minor work also must comply with the Uniform Construction Code. This work requires a permit application and plan review and release before the work may be started. It is this category of work that has applied to the installation of low voltage communications and cable television wiring. This rule changes that application.

5. COMMENT: One commenter expressed concern that the permit requirement will cause confusion and could delay the deployment of cable services. The commenter adds that variations in code requirements among municipalities inconveniences and annoys customers and, thereby, adds to operators' costs.

RESPONSE: This rule both clarifies and reduces the permit requirements. This clarification will result in uniformity of enforcement. The Department believes that this will be beneficial to all. The Department does not anticipate that the clarification of permit requirements will result in any delay in the deployment of resources by the cable television companies. Construction permits have been required in some, but not all, municipalities. In fact, the purpose of this rule is to standardize the enforcement of permit requirements for the installation of low voltage telecommunications and cable television wiring throughout New Jersey. Clarity of requirement is the first, and most basic, step in achieving that goal.

6. COMMENT: This rule will subvert the public policy of the State of making cable television services available to tenants and occupiers of multiple dwellings as provided in the New Jersey Cable Television Act. There is case law that provides a "right of access" to cable installers despite objections by residents or tenants.

RESPONSE: The permit requirements in the Uniform Construction Code do not contradict the New Jersey Cable Television Act or its case law that, as summarized by the commenter, provides the right of cable companies to enter multiple dwellings where an individual tenant objects to the work required for cable service.

7. COMMENT: One commenter suggested that this rule might prompt local officials to seek from cable companies fees that are prohibited by law.

RESPONSE: The building owner or permit applicant is responsible for the Uniform Construction Code permit fees that are assessed for specified work.

8. COMMENT: One commenter believes that the current installation practices of cable television companies and installers of low voltage telecommunications wiring is routinely substandard and not code compliant.

RESPONSE: This rule amendment clarifies the permit requirements for the installation of cable television systems and low voltage telecommunications wiring; it does not exempt the installers from code compliance. Compliance with the Uniform Construction Code is always required.

9. COMMENT: One commenter recommended that the permit exemption be given for the installation of a cable or phone jack, but that a permit be required for the installation of more complex systems. The National Electrical Code devotes a chapter to this subject (Article 8) because it is important that the work be done properly. The permit is the means of ensuring that the work has been done properly. Another commenter also

emphasized the problems with ensuring quality of work and pointed out that if work is done improperly fire safety could be compromised.

RESPONSE: The Department agrees that work should be done properly and that the National Electrical Code provides standards that must be met for the work to be proper. However, the Department does not agree that issuing a permit is the means of ensuring code compliance. Please refer to the responses to Comments 2 and 4 above for explanations of the relationship of construction permits and code compliance.

10. COMMENT: One commenter expressed support for the rule amendment and commended the Department for its action. This commenter recommended that the Department extend the classification of this work in Class 3 structures as ordinary maintenance to similar low voltage wiring, such as doorbells and central vacuum systems.

RESPONSE: The Department thanks the commenter for the expression of support. The recommendations are beyond the scope of this proposal and cannot be addressed in this rule adoption.

### **Federal Standards Statement**

No Federal Standards analysis is required because the proposed amendments are not being proposed pursuant to federal law or in order to implement, comply with, or participate in any program established under Federal law or under State law that incorporates or refers to Federal law, standards, or requirements.

5:23-2.7 Ordinary maintenance

(a) - (b) (No change.)

5:23-2.17A Minor work

(a) - (b) (No change.)

(c) Minor Work:

1. – 3. (No change.)

4. Minor work shall also mean and include the following:

i. - iii. (No change.)

iv. The installation of communications wiring in any Class 1 or Class 2 structure **\*or any Class 3 structure involving the penetration of a fire-resistance rated assembly\***.

(1) (No change.)

5.-6. (No change.)

(d) (No change.)